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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,677

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Harry K. Smith

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EXAMINER

CHANG, JUNGWON

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/791,677

Applicant(s)

SMITH ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claim 1 is presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishhaut et al, (US 2004/0024845), hereinafter Fishhaut, in view of Brayton et al, (US 2004/0205564), hereinafter Brayton.
4. As to claim 1, Fishhaut discloses the invention as claimed, including a method for providing continuous real-time data across a network (page 1, 0006, "provision of an information distribution apparatus...streaming data is provided in real time"), the method comprising:
  - receiving a request from a user for a data stream (page 2, 0017, "a user or client makes a request for data through browser 12");
  - authenticating the user (page 2, 0019, "firewall...sign-on procedure using an account number, user id, and passwords to access the system");
  - determining that the user is authorized to access the data stream (page 1, 0014,

requested information or data"; page 2, 0016, "permission server 28 and preferences and permissions database 18 can even be used to determine if the client or end user has permission");

determining whether the data stream is being monitored (page 2, 0018, "streaming server 22 keeps track of all of the subscriptions for real-time streaming data that are requested by the client or end user and listens for data");

responsive to the data stream not being monitored, monitoring the data stream (page 2, 0018, "streaming server 22 keeps track of all of the subscriptions for real-time streaming data that are requested by the client or end user and listens for data");

associating user identifying information with the monitored data stream (page 2, 0022, "request/subscription manager 40 and watch list manager 42 can maintain a memory of what each client or end user are watching");

queuing data for the user from the monitored data stream (page 1, 0003, "streaming data consists of files that must be buffered when the file is streamed to a requestor"; page 2, 0020, "messages can be prioritized and processed in priority order...messages can also be processed in the proper sequence");

delivering the queued data to the user (fig. 2, "data publish/subscribe"; page 2, 0019, "transmitting data").

5. Although Fishhaut discloses web browser client (12, fig. 1) that inherently includes a refresh button on the web browser, Fishhaut does not specifically disclose receiving a refresh request from the user. Brayton discloses receiving a refresh request

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from the user (218, fig. 3; 316, fig. 4; page 3, 0033, "the client 102 may request updated real-time data"; page 4, 0036). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Fishhaut and Brayton because Brayton's refreshing request would allow the user properly to receive updated real-time data (Brayton, page 3, 0033).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Richter et al, US 2003/0046396, Hamilton, US 7,123,974, Reid et al, US 7,085,842, Hahn et al, US 6,725,446 disclose a method and system for distributing of identified live contents over a wide area network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 6:30-2:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 29, 2007

  
JUNGWON CHANG  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2100